

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.60838

Derrick Strand

2156 Lorraine Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 30, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; section 13-7-401, 402, 403, failure to remove junk, trash and debris, failure to cut tall grass and weeds; Baltimore County Zoning Regulations (BCZR) section 428, failure to remove untagged/inoperable damaged vehicle, failure to comply with correction notice on residential property zoned DR 5.5 known as 2156 Lorraine Avenue, 21207.

On June 30, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Ray Harmon issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 14, 2009 for removal of junk, trash and debris; cutting tall grass; and removal of untagged vehicle from property. This Citation was issued on May 29, 2009.

B. Photographs in the file show large piles of junk, trash and debris, including a used toilet, furniture, and lumber. This violates prohibitions against accumulation of trash and debris on residential property, and prohibitions against creation of possible harborage for rats.

C. Photographs also show a beige Lincoln sedan with no license plates. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B).

D. Respondent has failed to respond to any of the County's notices. Court records show the property is in foreclosure proceedings.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the County may enter the property for the purpose of removing all junk, trash and debris, at the property owner's expense.

IT IS FURTHER ORDERED that the County may enter the property for the purpose of removing the untagged vehicle, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 7th day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer